

Wetlands Bureau Decision Report

Decisions Taken
11/22/2010 to 11/28/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2009-02136 TILTON DPW, TOWN OF
TILTON Packer Brook

Requested Action:

Amendment proposal to change bridge design/size due to possible impacts to downstream properties/infrastructure from increased flow passage.

APPROVE AMENDMENT:

Dredge and fill approximately 843 sq. ft. of streambed, bank and associated wetlands (includes 402 sq. ft. of temporary impacts) for removal of an approximately 6 ft. span x 5.25 ft. high x 24 ft. run open bottom box culvert and replace with a 6 ft. span x 5.25 ft. high x 39 ft. run open bottom box culvert, associated wing-walls and bank and bed stabilization.

With Conditions:

1. All work shall be in accordance with plans by Holden Engineering & Surveying, Inc., dated September 7, 2010, and report dated September 14, 2010, as received by DES on September 14, 2010.
2. The Town shall obtain temporary construction easements or written permission from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements/permission to DES Wetlands File No. 2009-2136 prior to the start of any work/construction associated with the project.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. The final surface of the stream channel bed shall be restored with natural round stone or existing streambed materials and shall not include angular rip-rap.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
15. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
16. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
17. A post-construction report documenting the status of the restored streambed and banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 903.01(g) A project shall be classified as a major impact project if:
 - (1) The stream crossing is a new or replacement tier 3 crossing;
 2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
 4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
 5. The NH Fish and Game Department did not comment on the originally proposed project.
 6. The applicant's professional engineer has provided a stamped report indicating that the previously approved structure would increase downstream flooding and the alternative design will emulate existing conditions and minimize the potential for downstream impacts.
 7. The revised project was reviewed as an alternative design per Env-Wt 904.09 and addresses the purpose of the Stream Crossing rules per Env-Wt 901.01.

MINOR IMPACT PROJECT

2010-01618 KEENE DPW, CITY OF
KEENE Unnamed Stream

Requested Action:

Dredge and fill ± 998 sq. ft. of Beaver Brook at Spring Street to replace an 18-ft. x 34-ft. single span bridge with a 14-ft. x 33-ft. concrete box culvert.

APPROVE PERMIT:

Dredge and fill ± 998 sq. ft. of Beaver Brook at Spring Street to replace an 18-ft. x 34-ft. single span bridge with a 14-ft. x 33-ft. concrete box culvert.

With Conditions:

1. All work shall be in accordance with plans by CHA dated May 2010, as received by the Department on June 21, 2010.
2. This permit is contingent on receipt, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
15. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
17. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
20. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of perennial stream.
2. The project design was completed and monies for this project were appropriated before adoption of the DES stream rules.
3. The existing bridge results in a 50-year flood event with a negative freeboard of 2.4 ft. and a 100-year flood event that results in a negative freeboard of 2.9 ft.
4. The proposed 14-ft. box culvert provides a greater waterway opening and will result in a 50-year flood event with a negative freeboard of 1 ft. and the 100-year flood event with a negative freeboard of 1.6 ft.
5. Larger open and closed bottom span alternatives are limited by the existing soft silty clay subsurface soils at the site, which provide a limited bearing capacity and may allow for sediment migration during excavation and dewatering. Sediment migration may lead to settling of structures in close proximity.
6. Sediment settling is of particular concern because the bridge is in an urban setting and is located within 15 feet of buildings and residences.
7. The bridges close proximity to infrastructure also restricts possible changes to the road profile that would be required for a larger structure.
8. The proposed structure will not increase surface water elevation in the study reach (55 ft. upstream and 60 ft. downstream of the bridge), and therefore is designed in accordance with FEMA guidelines.
9. In correspondence dated April 19, 2010, and received by the DES Wetlands Bureau on October 25, 2010, NHDOT indicated that they had, "...reviewed the Hydraulic Design Exception letter dated March 19, 2010 as prepared by the City of Keen and finds it to be satisfactory. The City accepts responsibility and liability for this hydraulic design deficiency."
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Fill 1,690 sq. ft. within Horn Brook and installation of a 72 inch x 35 foot RCP culvert to construct a driveway to serve a single-family residential lot.

APPROVE PERMIT:

Fill 1,690 sq. ft. within Horn Brook and installation of a 72 inch x 35 foot RCP culvert to construct a driveway to serve a single-family residential lot.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering dated October 1, 2010, as received by the NH Department of Environmental Services (DES) on October 20, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with haybales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear feet of a perennial stream or its banks. The project impacts approximately 115 linear feet of perennial stream and banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the proposal must cross the perennial stream at some location on this property to access buildable uplands on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has reduced the width of the culvert at the stream crossing by 15 feet from the original submittal to reduce impacts on Horn Brook.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2010-02198 RAR ASSET TRUST, MITCHELL/ROSALIE RUDNICK
SUNAPEE Lake Sunapee

Requested Action:

Correct permit to reflect appropriate maximum ridgeline height.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

Inspection Date: 10/20/2010 by Dale R Keirstead

APPROVE AMENDMENT:

Raze and replace a 20 ft 6 in x 30 ft 6 in boathouse over public waters on an average of 97 ft of frontage on Lake Sunapee in Sunapee.

With Conditions:

Amend conditions to read:

1. All structural footprints shall be as shown on plans by CLD Consulting Engineers as revised September 27, 2010, and received by the NH Department of Environmental Services (DES) on September 29, 2010.
2. The boathouse shall be constructed in accordance with profile drawings Prospect Hill Construction as revised November 8, 2010, with the exception that no portion of the structure shall extend above elevation 1104.22 (Full lake elevation being Elevation 1093.15). All wall heights shall be adjusted as necessary to remain at or below the maximum ridgeline elevation 1104.22.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. There shall be no regrading of the adjacent shorelands contours beyond that authorized in Shoreland Impact permit # 2010-2168.
5. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
6. The repairs shall maintain the size, location and configuration of the pre-existing structures with the exception of allowing a 1 foot increase in the ridgeline height to allow structural improvements necessary to support expected snow-loading.
7. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
8. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), Alteration of a permanent docking facility providing less than 5 slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2010-02367 NH DES DAM BUREAU, JIM GALLAGHER
BARNSTEAD Lower Suncook Lake

Requested Action:

Dredge 1,549 square feet of Lower Suncook Lake outlet stream to remove stone remnants of relic coffer dam which is impeding natural stream flow; temporarily impact 2,979 square feet in the dry of gravel bar to access removal area; total impacts 4,528 square feet.

APPROVE PERMIT:

Dredge 1,549 square feet of Lower Suncook Lake outlet stream to remove stone remnants of relic coffer dam which is impeding natural stream flow; temporarily impact 2,979 square feet in the dry of gravel bar to access removal area; total impacts 4,528 square feet.

With Conditions:

1. All work shall be in accordance with plans by DES Dam Bureau dated 8/12/2010, as received by the NH Department of Environmental Services (DES) on 8/31/2010.
2. This permit is limited to the removal of the rock which comprises the remains of the relic coffer dam; no stone shall be removed, or other dredging shall occur below an elevation consistent with the general natural stream bottom in the area surrounding the relic structure.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. The gravel sand bar area of temporary impact shall be regraded to original contours following completion of work.
7. Dredged material, in this case the removed stone, shall be placed outside of the jurisdiction of the DES Wetlands Bureau. No use of the stone as rip rap on banks in the project vicinity or within jurisdiction elsewhere is authorized as part of this permit.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear feet of perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The relic remnants of an old stone coffer dam extend across a majority of the channel, impeding proper stream flow and preventing proper lake drawdown at the dam downstream.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. Access to the removal area is available by an existing dry gravel sand bar; removal of the structure is confined to the rocks which are clearly the remains of the relic structure, and the project will restore the channel to a state consistent with the surrounding natural conditions.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by NH Natural Heritage Bureau as occurring in the project vicinity.
5. The Barnstead Conservation Commission did not report.

2010-02470 BRISTOL, TOWN OF
BRISTOL Cummings Beach/newfound Lake

Requested Action:

Impact 2,474 sq ft of the bed and 6,103 sq ft of the bank of Newfound Lake to remove two stormwater discharge pipes, construct stormwater and drainage improvements, and remove metal and debris from a beach and swimming area along 1,136 ft of frontage on Newfound Lake.

APPROVE PERMIT:

Impact 2,474 sq ft of the bed and 6,103 sq ft of the bank of Newfound Lake to remove two stormwater discharge pipes, construct stormwater and drainage improvements, and remove metal and debris from a beach and swimming area along 1,136 ft of frontage on Newfound Lake.

With Conditions:

1. All work shall be in accordance with plans by KV Partners LLC dated August 2010, as received by the NH Department of

Environmental Services (DES) on September 16, 2010.

2. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
3. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
4. Work shall be done during drawdown.
5. Area shall be regraded to original contours following completion of work.
6. All recovered metal and debris shall be disposed of outside the jurisdiction of the Wetlands Bureau.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Alteration of less than 20,000 sq ft of jurisdictional areas.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2007-00484 FINK, DAVID
GILFORD Lake Winnepesaukee

Requested Action:

Applicant requests that the permit be revised to allow repair in kind of all existing structures.

Conservation Commission/Staff Comments:

Con Com questions height of canopy

APPROVE AMENDMENT:

Amend permit to read: Replace two tie off piles, repair an existing 4 ft x 51 ft piling pier, and install a seasonal boatlift and a 14 ft x 30 ft seasonal canopy over the westerly boat slip on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised November 4, 2010, as received by the Department on November 8, 2010.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. Repairs shall maintain the size, location and configuration of the pre-existing structures.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and

shall remain until the area is stabilized.

6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
9. The boatlift shall be of seasonal construction type be removed from the waterbody for the non-boating season.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), repair of existing docking structures.
2. The applicant has provided a signed notarized letter from the affected abutter for the proposed work and installation of the seasonal boatlift and canopy within the abutter's 20 ft setback.

2009-00092 MONTEITH, TERESA
UNITY Unnamed Stream

Requested Action:

Retain \pm 447 sq. ft. of intermittent stream impact for the installation of a 24-in. x 28-ft. HDPE culvert for driveway access to the back portion of an existing lot and restore \pm 100 sq. ft. of intermittent stream to remove a 12-in. x 16-ft. culvert along an abandoned access.

APPROVE PERMIT:

Retain \pm 447 sq. ft. of intermittent stream impact for the installation of a 24-in. x 28-ft. HDPE culvert for driveway access to the back portion of an existing lot and restore \pm 100 sq. ft. of intermittent stream to remove a 12-in. x 16-ft. culvert along an abandoned access.

With Conditions:

1. All work shall be in accordance with plans by Connecticut Valley Environmental Services, Inc. dated May 12, 2010, as received by the DES Wetlands Bureau on June 08, 2010.
2. This permit is contingent on the removal of a 12-in. x 16-ft. culvert and restoration of 100 sq. ft. of stream bed in accordance with plans (dated October 22, 2010) and construction sequence received by the DES Wetlands Bureau on October 25, 2010.
3. Work shall be done during low flow conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culverts shall be laid at original grade.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
12. Photographs documenting culvert removal and stream restoration shall be submitted to the DES Wetlands Bureau within 30 days of completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), access to a single family building lot.
2. Comments of concern were not submitted to the file.
3. The impacted stream has a contributing watershed size of approximately 77 acres.
4. The Agent for the Applicant has confirmed subdivision is not planned and that the proposed impact will provide access to the back portion of an existing lot of record.
5. The Agent has confirmed the culvert can accommodate the 50-year storm without overtopping the road.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-02716 DEVANNA, RICHARD
ALTON Lake Winnepesaukee

Requested Action:

Remove 20 sq ft from an existing piling pier and relocate the remaining 3 ft 6 in x 44 ft piling pier to a point on the shoreline 9 ft from the south property line and install 2 personal watercraft lifts and a seasonal boatlift adjacent to an existing 10 ft x 30 ft crib pier on an average of 103 ft of frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Remove 20 sq ft from an existing piling pier and relocate the remaining 3 ft 6 in x 44 ft piling pier to a point on the shoreline 9 ft from the south property line and install 2 personal watercraft lifts and a seasonal boatlift adjacent to an existing 10 ft x 30 ft crib pier on an average of 103 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans dated July 13, 2010, as received by the NH Department of Environmental Services (DES) on July 28, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
4. These shall be the only structures on this water frontage.
5. All seasonal watercraft lifts shall be removed from the lake for the non-boating season.
6. No portion of the relocated pier shall extend more than 44 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is deemed to be a minimum impact project in accordance with Administrative Rule Env-Wt 303.04(o).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The relocation and reduction in size of the pre-existing pier meets the criteria of Rule Env-Wt 402.21, Modification of Existing Structures and more nearly conforms to the setback requirements of RSA 482-A:3, XIII.

2010-01817 TUIDA ENTERPRISES LLC, TODOR & PAULINE SIMEONOV
LACONIA Unnamed Wetland

Requested Action:

Proposal to dredge and fill 2167 sq. ft. of wetlands for the construction of driveway and test pit access for a proposed single family home.

APPROVE PERMIT:

Dredge and fill 2167 sq. ft. of wetlands for the construction of driveway and test pit access for a proposed single family home.

With Conditions:

1. All work shall be in accordance with plans by Rokeh Consulting, LLC and Harold E. Johnson, Inc., revision date of October 19, 2010 and narratives, as received by the NH Department of Environmental Services (DES) on October 26, 2010.
2. Work shall be done during low flow.
3. Orange construction fencing shall be placed at the limits of construction in wetlands to prevent accidental encroachment on wetlands and abutting properties.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. The project engineer shall inspect the property one year after construction to assure the driveway is stable and not causing erosion issue adjacent to the wetlands or abutting properties.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
15. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES received comments from the Laconia Conservation Commission (LCC) in objection to the proposed project. The LLC noted that this application was a result of them rejecting the original proposal because the building footprint was entirely within the Town's 50-foot wetland buffer. The LLC was not in favor of the subsequent design because the crossing was not at the narrowest

point and instead proposed driveway cuts through the middle of the largest wetland complex on the site.

6. The applicant has relocated the proposed home site and access which reduced the proposed wetlands impacts from 6,395 square feet to 2,167 square feet.

7. The LLC submitted an additional comment letter indicating that they were satisfied with the new submittal. They also noted that they had similar concerns as DES with the drainage pipe sizing and requested inspection of the driveway after one year to assure runoff during heavy rain events will not compromise the stability of the driveway.

8. The project engineer has indicated that the culvert is sized correctly, placed in the existing flow area and an additional culvert would require blasting of ledge.

9. This approval is conditioned with requirement for inspection of the driveway by the project engineer following one year of construction.

10. The final proposal requires work in wetlands that is within 20-feet of three abutting properties.

11. The applicant was able to obtain permission from two of the affected abutters.

12. DES was provided with a copy of a letter from one abutter that does not concur with the work within 20 feet. The letter also notes that they would prefer to continue to work towards a proposal that would assure the project would not cause flooding issues on their property.

13. The applicant has requested a waiver to Administrative Rule Env-Wt 304.04(a) "The department shall limit the location of a project to at least 20-feet from an abutting property line or imaginary extension thereof over surface water unless it receives written agreement from the affected abutter concurring with any impact that may result relative to the abutter's interests".

14. As previously noted the applicant has attempted to get permission from the abutting property owner tax map/lot 368/221-21. They have declined.

15. Relocating the impacts to meet the 20-foot setback would increase the overall impacts to the wetland resource and would require additional permanent impacts.

16. Relocating the impacts to meet the 20-foot setback would not meet the requirements of the LLC or address Administrative Rules Env-Wt 302.03 and Env-Wt 302.04(b)(5).

17. The project engineer has increased the culvert size to a 15 inch diameter and has indicated that hydrocad report supports the culvert size. Additionally, he has indicated that a second culvert is not needed and the culvert is located in an existing swale that carries drainage along the rear lot lines of the houses along Valley Street.

18. The previous design of moving the driveway 20-feet from that abutting property line would require blasting and/or more site and wetlands disturbance.

19. DES has not received any direct comments from the abutter.

20. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.

21. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

FORESTRY NOTIFICATION

2010-03130 APOSTOLOS/ZEBUHR, JOHN/JULIE
LYNDEBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Lyndeboro Tax Map 214, Lot# 9

2010-03135 YOUNG, PAUL/ROBIN
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:
New Durham Tax Map/Lot# 235/45 & 46, 236/1 & 2, 237/1 & 2

EXPEDITED MINIMUM

2008-02487 SMITH, DANIEL & PATRICIA
ALTON Lake Winnepesaukee

Requested Action:

Applicant requests that the permit be amended to allow for increased ridgeline height and wider interior boatslip.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE AMENDMENT:

Amend permit to read: Repair an existing 8 ft x 35 ft 5 inch full crib supported dock connected to a 8 ft 4 inch x 35 ft 5 inch full crib supported dock by a 9 ft walkway in a "U" shaped configuration, with a 16 ft 4 inch x 35 ft 5 inch boathouse over the center slip, providing 3 slips on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated August 26, 2010, as received by DES on November 3, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures with the exception that crib and pier widths may be reduced to allow for an interior boat slip width of 11 ft and the roof pitch may be increased to a maximum ridgeline height of 15 ft above normal high water. No change is authorized to the vertical wall height of the structure.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. This permit does not allow for any maintenance dredging.
7. Existing rocks shall be used for crib material, no new rocks shall be brought on site.
8. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.03(d), modification of an existing 3 slip permanent docking structure.
2. The applicant has an average of 205 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The increased roof pitch will improve the structure's ability to withstand snow loads.

2010-01944 VIOLA, RANDALL & JUDITH WHITCOMB
LACONIA Lake Winnisquam

Requested Action:

Remove an existing 4 ft x 30 ft seasonal pier and install a 6 ft x 40 ft seasonal pier, relocate a seasonal boatlift and a 10 ft x 27 ft seasonal canopy, and install two seasonal, personal watercraft lifts on an average of 197 ft of frontage on Lake Winnepesaukee in Laconia.

Conservation Commission/Staff Comments:

Con Com submitted comments stating dock should not exceed 30 feet

APPROVE PERMIT:

Remove an existing 4 ft x 30 ft seasonal pier and install a 6 ft x 40 ft seasonal pier, relocate a seasonal boatlift and a 10 ft x 27 ft seasonal canopy, and install two seasonal, personal watercraft lifts on an average of 197 ft of frontage on Lake Winnisquam in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated October 27, 2010, as received by the NH Department of Environmental Services (DES) on November 1, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water except as authorized in writing by the owner of the property identified as Laconia tax map 313, lot 8, block 67 on June 24, 2010.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), modification of a seasonal 2 slip pier.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-02999 CURRADA, RICK
NEW DURHAM Merrymeeting Lake

Requested Action:

Reface 40 linear ft of retaining wall with two 5 ft wing wall on 50 ft of frontage on Merrymeeting Lake in New Durham.

APPROVE PERMIT:

Reface 40 linear ft of retaining wall with two 5 ft wing wall on 50 ft of frontage on Merrymeeting Lake in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Thomas Rossignol as received by the NH Department of Environmental Services (DES) on November 2, 2010.
2. The repairs shall maintain the size, location, and configuration of the pre-existing structure.

3. The width of the refacing shall not exceed 6 inches.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done in the dry.
7. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), Repair of an existing retaining wall in the dry.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-03000 GANGWER, JESSE
NEW DURHAM Merrymeeting Lake

Requested Action:

Repair 50 linear ft of stone and mortar retaining wall in-kind on 100 ft of frontage on Merrymeeting Lake in New Durham.

APPROVE PERMIT:

Repair 50 linear ft of stone and mortar retaining wall in-kind on 100 ft of frontage on Merrymeeting Lake in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Thomas Rossignal as received by the NH Department of Environmental Services (DES) on November 2, 2010.
2. The repairs shall maintain the size, location, and configuration of the pre-existing structure.
3. Only rocks which have fallen from the pre-existing wall shall be used for repair. No additional rock shall be brought on site.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done in the dry.
7. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls in the dry.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-03008 AMHERST DPW, TOWN OF
AMHERST Unnamed Wetland

Requested Action:

Dredge and fill a total of 1,720 square feet within the bed and banks of an unnamed perennial stream to include 980 square feet of temporary impact and 760 square feet of permanent impact for the replacement of the existing twin 48-inch CMP elliptical culverts in failing condition with an embedded 48-inch CPP culvert beneath Northern Boulevard for safe vehicular passage.

Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill a total of 1,720 square feet within the bed and banks of an unnamed perennial stream to include 980 square feet of temporary impact and 760 square feet of permanent impact for the replacement of the existing twin 48-inch CMP elliptical culverts in failing condition with an embedded 48-inch CPP culvert beneath Northern Boulevard for safe vehicular passage.

With Conditions:

1. All work shall be in accordance with the 'Construction Plan by McCourt-Jesseman dated May 26, 2010, as received by the NH Department of Environmental Services (DES) on October 25, 2010.
2. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
3. DES southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Work shall be done during seasonal low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Prior to commencing work located within the stream, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. No fill shall be done for lot development.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The existing culverts are corrugated metal and are failing, therefore the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. Not replacing the culverts could result in a road collapse or breach that may significantly impact aquatic resources and jurisdictional areas. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
6. Pursuant to Env-Wt 904.02, the proposed work is classified as a Tier One Stream Crossing.
5. This project is consistent with Env-Wt 904.01.
7. Furthermore, the proposed work is consistent with Env-Wt 904.07(b)(2) as the existing twin culverts will be replaced with one (1) embedded 48-inch culvert and is sized to accommodate a 100-year storm event.

PERMIT BY NOTIFICATION

2010-02960 **INNEX TECHNOLOGIES INC**
NORTH SUTTON **Lyon Brook Inlet**

Requested Action:

In-kind replacement of boardwalk and platform.

APPROVE PERMIT:

In-kind replacement of boardwalk and platform.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
3. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(5), The repair of an existing docking structure that meets the criteria in Env-Wt 303.04(v).

2010-03043 **NH DEPT OF TRANSPORTATION**
NEW BOSTON **Cochrane Brook**

Requested Action:

Install toe walls below inlets and outlets of twin 5 ft culverts and maintain rip rap around structure temporarily impacting 470 sq ft. of riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. signed on 8-24-10.

PBN IS COMPLETE:

Install toe walls below inlets and outlets of twin 5 ft culverts and maintain rip rap around structure temporarily impacting 470 sq ft. of riverine wetlands. NHDOT project #99041Z.

2010-03137 **GRAVES, JEFFREY**
PORTSMOUTH **Sagamore Creek / Tidal Wetland**

Requested Action:

Replace in-kind 30 linear feet of existing timber bulkhead, 5.5'x 48' access pier and 51 linear feet of timber bulkhead.

PBN IS COMPLETE:

Replace in-kind 30 linear feet of existing timber bulkhead, 5.5'x 48' access pier and 51 linear feet of timber bulkhead.

CSPA PERMIT

2010-00813 TUCK REALTY CORPORATION
HAMPTON Tidal Marsh

Requested Action:

Plans revised by J/B Jones & Beach Engineers, Inc., dated May 10, 2010, to change from town sewer to septic system on-site.

Impact 18800 sq.ft. for the purpose of subdividing subject parcel into three lots with municipal water & sewer and pervious driveway.

APPROVE AMENDMENT:

Plans revised by J/B Jones & Beach Engineers, Inc., dated May 10, 2010, to change from town sewer to septic system on-site.

Conditions for septic system noted below.

Impact 18,800 sq ft for the purpose of subdividing subject parcel into three lots with municipal water & sewer and pervious driveway.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated March 2, 2010 and received by the Department of Environmental Services ("DES") on April 9, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. At any time during construction a lot changes ownership, the new owner must submit a Shoreland Application for any changes different from the previous Shoreland Application that has been approved.
4. No more than 16% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least N/A sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-02046 BARR, CAROL
LYME Connecticut River

Requested Action:

Impact 1,855 sq ft for the installation of 2 1,000 gal septic tanks, grading for stormwater management, new stone retaining wall, wooden stairs and increase in parking area.

APPROVE PERMIT:

Impact 1,855 sq ft for the installation of 2 1,000 gal septic tanks, grading for stormwater management, new stone retaining wall, wooden stairs and increase in parking area.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated July 1, 2010 and received by the NH Department of Environmental Services (DES) on August 4, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 14.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-02528 LILLEHEI, BEVERLY
SUNAPEE Lake Sunapee

Requested Action:

Impact 1,770 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing stormwater controls.

APPROVE PERMIT:

Impact 1,770 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by David Lain and received by the Department of Environmental Services ("DES") on September 16, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 28.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
5. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
6. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
7. In order to remain compliant with RSA 483-B:9, V, (b), (2), at least 1,534 sq ft between 50 feet and 150 feet from the reference

line must remain in an unaltered state.

8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

16. Silt fencing must be removed once the area is stabilized.

17. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Sunapee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to convert a compacted grass/ walkway area to a pervious lawn.

4. The applicant has proposed to install stormwater controls consisting of foundation drains that direct stormwater to a drywell.

5. The applicant has proposed to install stormwater controls and improve drainage, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-02823 BARKER, NANCY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 318 sq ft in order to extend width of existing porch.

APPROVE PERMIT:

Impact 318 sq ft in order to extend width of existing porch.

With Conditions:

1. All work shall be in accordance with plans by Nancy Barker dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on October 13, 2010.

2. No more than 5.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

6. Any fill used shall be clean sand, gravel, rock, or other suitable material.

7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-02877 TOWN OF PITTSBURG
PITTSBURG First Connecticut Lake

Requested Action:

Impact 26,401 sq ft for the purpose of realigning 465 linear feet of public roadway.

APPROVE PERMIT:

Impact 26,401 sq ft for the purpose of realigning 465 linear feet of public roadway.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering and received by the Department of Environmental Services ("DES") on October 18, 2010.
2. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Silt fencing must be removed once the area is stabilized.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.

2010-02936 CLARKE, MARCIA
WEARE Horace Lake

Requested Action:

Impact 60 sq ft in order to construct an addition.

APPROVE PERMIT:

Impact 60 sq ft in order to construct an addition.

With Conditions:

1. All work shall be in accordance with plans by Cardwell Constructiion LLC dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on October 26, 2010.
2. No more than 18% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-02943 RUBINO, KELLY/LOUIS
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 875 sq ft for the purpose of expanding a conforming primary structures and constructing new accessory structures.

APPROVE PERMIT:

Impact 875 sq ft for the purpose of expanding a conforming primary structures and constructing new accessory structures.

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates dated November 8, 2010 and received by the Department of Environmental Services ("DES") on November 10, 2010.
2. No more than 30.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
5. The project as proposed will leave approximately 1,615 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Silt fencing must be removed once the area is stabilized.

15. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.

2010-02973 THIBAUDEAU FAMILY TRUST
BARRINGTON Nippo Pond

Requested Action:

Impact 390 sq ft in order to remove existing concrete block and replace with poured foundation.

APPROVE PERMIT:

Impact 390 sq ft in order to remove existing concrete block and replace with poured foundation.

With Conditions:

1. All work shall be in accordance with plans by Topotech dated October 25, 2010 and received by the NH Department of Environmental Services (DES) on October 28, 2010.
2. No more than 10.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,152 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,746 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-02988 SHEPHERD, RONALD
GRANTHAM Sawyer Brook

Requested Action:

Impact 1,072 sq ft in order to construct addition to garage.

APPROVE PERMIT:

Impact 1,072 sq ft in order to construct addition to garage.

With Conditions:

1. All work shall be in accordance with plans by ALW Surveys dated October 10, 2010 and received by the NH Department of Environmental Services (DES) on November 1, 2010.
2. No more than 14.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

3. At least 3,575 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-03027 RAYMOND, RICHARD
WOLFEBORO Crescent Lake

Requested Action:

Impact 2,152 sq ft in order to construct a new sun room and deck.

APPROVE PERMIT:

Impact 2,152 sq ft in order to construct a new sun room and deck.

With Conditions:

1. All work shall be in accordance with plans by Daniel Roy dated August 2, 2010 and received by the NH Department of Environmental Services (DES) on November 5, 2010.
2. No more than 12.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 4,375 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-03028 LYNCH, JAMES/MEGAN
BARNSTEAD Locke Lake

Requested Action:

Impact 1,181 sq ft in order to replace existing retaining wall and stairs.

APPROVE PERMIT:

Impact 1,181 sq ft in order to replace existing retaining wall and stairs.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated September 24, 2010 and received by the NH Department of Environmental Services (DES) on November 5, 2010.
2. No more than 13.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 3,002 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-03031 LAPANNE, DOUGLAS
LEE Wheelwright Pond

Requested Action:

Impact 6,974 sq ft in order to remove existing structures and build a new house with garage, driveway, septic system, and well.

APPROVE PERMIT:

Impact 6,974 sq ft in order to remove existing structures and build a new house with garage, driveway, septic system, and well.

With Conditions:

1. All work shall be in accordance with plans by MJS Engineering, PC dated November 2, 2010 and received by the NH Department of Environmental Services (DES) on November 5, 2010.
2. This permit is contingent on approval of the proposed effluent disposal system by the DES Subsurface Systems Bureau.
3. No more than 11.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 4,981 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,821 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

2010-02536 OLSON, JOSHUA
FITZWILLIAM Laurel Lake

Requested Action:

Impact 5,991 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and regrading activities.

DENY PERMIT:

Impact 5,991 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures and regrading activities.

With Findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:9(V)(a)(2)(C), no natural ground cover shall be removed except as necessary for a foot path provided under RSA 483-B:9, V(a)(2)(D)(viii), cutting those portions that have grown over 3 feet in height for the purpose of providing a view, or as specifically approved by the department, pursuant to RSA 482-A or 483-B:11, II.
3. In accordance with RSA 483-B:11, I, between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line for nonconforming structures erected prior to July 1, 1994.
4. Pursuant to RSA 483-B, IV, the commissioner shall adopt rules, pursuant to RSA 541-A, relative to procedures and criteria for the size, placement, and construction of small accessory structures such as storage sheds and gazebos, the size, placement, and construction of which is are consistent with the intent of this chapter, between the reference line and the primary building line
5. In accordance with Administrative Rule Env-Wq 1404.04, all accessory structures built after November 26, 1996, shall be set back at least 20 feet from the reference line, unless otherwise approved by the department in accordance with RSA 482-A and rules adopted pursuant thereto, Env-Wt 100-800.
6. Pursuant to RSA 483-B:9, V (i), the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I (b).
7. In accordance with Administrative Rule Env-Wq 1409.01, (b) (1) each applicant for a variance under RSA 483-B:9, V(i) shall provide a statement describing how the literal enforcement of the standard of which the applicant is seeking relief would result in an unnecessary hardship.

Findings of Fact

1. The Applicant is the owner of a lot located, in part, within the protected shoreland of Laurel Lake, more particularly identified as Fitzwilliam tax map 20, lot 10 (the Property).
2. On September 20, 2010, the Department of Environmental Services received an after the fact permit application and variance request to retain impacts totaling 5,991 square feet to construct a single family dwelling, construct associated structures and regrade regions of the waterfront buffer.
3. The Applicant is proposing to retain impacts within the waterfront buffer that exceed the limitation established within RSA 483-B:11, I483-B:9(V)(a)(2)(C).
4. The Applicant is proposing to retain a constructed deck that exceed the size limitations established within RSA 483-B:11, I.
5. The Applicant is proposing to retain an accessory structure in the form of a patio that does not meet the accessory structure setback established within Administrative Rule Env-Wq 1404.04.
6. The applicant did not provide a statement within the shoreland permit application describing how the literal enforcement of standard RSA 483-B:9 V(a)(2)(C) would result in an unnecessary hardship.

Ruling in Support of the Decision

1. The completed project has disturbed an area of the waterfront buffer greater than that permissible under RSA 483-B:9 (V)(a)(2)(C) and therefore, pursuant to RSA 483-B:3, the application is denied.
2. The completed project includes construction of an accessory structure within the waterfront buffer that does not meet the setback

requirement of Administrative Rule Env-Wq 1404.04, and therefore, pursuant to RSA 483-B:3, the application is denied.

3. The applicant did not provide a statement describing how the literal enforcement of RSA 483-B:9 V(a)(2)(C) would result in an unnecessary hardship, and therefore, pursuant to RSA 483-B:9, V (i), the request for a variance is denied.

CSPA PERMIT W/WAIVER

2010-02614 GRAY, BARBARA
GILMANTON Shellcamp Pond

Requested Action:

Impact 336 sq ft for the purpose of expanding a conforming, primary structure.

APPROVE PERMIT:

Impact 336 sq ft for the purpose of expanding a conforming, primary structure.

With Conditions:

1. All work shall be in accordance with revised plans by Barbara Gray and received by the Department of Environmental Services ("DES") on November 8, 2010.
2. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
4. There shall be no impacts to native vegetation or natural ground cover between 50 ft and 150 ft of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
14. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.

2010-02821 MILLIS, KATHRYN
HOPKINTON Rolfe Pond

Requested Action:

Impact 2,154 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

APPROVE PERMIT:

Impact 2,154 sq ft for the purpose of expanding a nonconforming primary structure and installing a new septic system and stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by T.F. Bernier, Inc., dated October 11, 2010, and received by the Department of Environmental Services ("DES") on December 13, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 8.8% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. The project as proposed will leave approximately 15,376 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,370 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.
17. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary structure building setback to Rolfe Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches below the drip line of the existing and proposed structure.
4. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
5. The applicant has proposed to install significant stormwater measures and install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2010-02976 BURKE, MICHAEL/TRACEY
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 5,260 sq ft for the purpose of expanding a nonconforming primary structure and installing stormwater controls and a new septic system.

APPROVE PERMIT:

Impact 5,260 sq ft for the purpose of expanding a nonconforming primary structure and installing stormwater controls and a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Ames Associates, dated November 17, 2010 and received by the Department of Environmental Services ("DES") on November 18, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 22.3% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
7. All impacts within wetlands, surface waters and their banks shall require a Wetland Permit under RSA 482-A.
8. At least 3,169 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2).
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.
18. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to remove approximately 30 sq ft of impervious area within the waterfront buffer of the protected shoreland.
4. The applicant has proposed to install stormwater controls consisting of infiltration trenches below the drip line of the exiting and proposed structures.
5. The applicant has proposed to install stormwater controls consisting of infiltration trenches capable of intercepting stormwater from the existing driveway.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
7. The applicant has proposed to install significant stormwater controls, install a new septic system, and reduce the total amount of impervious surface coverage within the waterfront buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.